

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
PITTSBURGH DIVISION**

In re:)	
Willette D. Copes,)	
Kerry D. Copes)	Case No.: 21-22142-TPA
Debtor.)	Chapter 13
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Partners for Payment Relief DE II, LLC,)	
Movant.)	Judge: Thomas P. Agresti
)	
v.)	
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Willette D. Copes,)	
Kerry D. Copes,)	
Respondents.)	

**PARTNERS FOR PAYMENT RELIEF DE II, LLC'S EMERGENCY MOTION TO
EXCUSE FCI LENDER SERVICES, INC. FROM APPEARING AT THE ORDER TO
SHOW CAUSE HEARING SCHEDULED FOR APRIL 6, 2022**

TO THE HONORABLE JUDGE OF SAID COURT:

SECURED CREDITOR, Partners for Payment Relief DE II, LLC (herein after referred to as "Movant or Secured Creditor"), by and through its undersigned attorney, hereby files this Emergency Motion to Excuse FCI Lender Services, Inc. from Appearing at the Order to Show Cause Hearing scheduled for April 6, 2022 (the "Emergency Motion"), and in support states as follows:

1. On or about September 30, 2021, the above Debtors filed a Voluntary Petition for Relief pursuant to Chapter 13 of the United States Bankruptcy Code.
2. On or about January 18, 2022, a Loss Mitigation Order (the "Order") [Doc. No. 38] was entered by this Court.
3. Secured Creditor inadvertently failed to adhere to the deadlines therein and, as a result, an Order to Show Cause Hearing has been scheduled for April 6, 2022 at 10:30 a.m. (the "OTSC Hearing").
4. Secured Creditor is respectfully filing this Emergency Motion seeking an order from this Honorable Court excusing any party from FCI Lender Services, Inc. ("FCI") from appearing at the OTSC Hearing.
5. FCI is the servicer of the loan that is the subject of the OTSC Hearing, whereas Secured Creditor, Partners for Payment Relief DE II, LLC ("PPR"), is the actual Lender. As such,

PPR is the party better suited to attend the OTSC Hearing.

6. The failure to follow the timelines in the Order was an inadvertent miscommunication between the undersigned, PPR, and FCI. Normally, the Debtor links the lender or servicer to the DMM Portal, who handles all communication and takes point on loss mitigation talks. However, here the undersigned was linked and it was unaware that it was to take point.
7. There was miscommunication of which party was taking lead in the DMM Portal and, as such, no party took lead, which caused the deadlines to lapse.
8. Since the filing of the Order, Secured Creditor has received all the Debtors' materials and is evaluating for any modification or workout options available to them. Secured Creditor has expedited this matter to try and bring all parties back up to speed and to not further delay these proceedings.
9. There is a very good chance this evaluation will be complete even before the upcoming OTSC hearing, rendering the matter essentially moot.
10. However, should the OTSC hearing go forward, the Loss Mitigation Representative from PPR is the party best suited to attend the hearing, not anyone from FCI. As such, Secured Creditor is respectfully asking this court to excuse FCI from the upcoming OTSC hearing.
11. Not only would the three FCI representatives be fruitless and expensive for all parties involved, a PPR representative can better handle all matters before this Court and is able to do so. Additionally, FCI is located in California, which is three (3) hours behind this Court and coordinating appearance for three executives of FCI would be unduly burdensome.
12. The need for this expedited hearing has only been brought as the OTSC hearing has been scheduled for April 6, 2022 and there is not enough time to file a regular motion.

WHEREFORE, PREMISES CONSIDERED, Secured Creditor prays that this Court enter an order excusing any party from FCI Lender Services, Inc. ("FCI") from appearing at the OTSC Hearing, together with such further relief and this Honorable Court deems Secured Creditor is entitled.

I HEREBY CERTIFY that a true and correct copy of the foregoing was provided via electronic and/or Regular U.S. Mail to the parties listed on the separately filed certificate of service, this March 29, 2022.

I HEREBY CERTIFY that I am admitted to the Bar of the United States Bankruptcy Court for the Western District of Pennsylvania, and I am in compliance with the additional qualifications to practice in this Court set forth in the Local Rules.

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